

James Winchester

Subject: FW: 3 Business day rule

From: Wilmes - CDPS, Karl [<mailto:karl.wilmes@state.co.us>]

Sent: Sunday, January 20, 2013 3:36 PM

To: jww@viawest.net

Cc: Bob Brown - CDPS; Susan Medina

Subject: Fwd: 3 Business day rule

Mr. Winchester -

Agent in Charge Robert Brown has forwarded your electronic mail to me for review. CBI's procedure is that for NICS purposes the three day provision does not begin until the transfer application receives a NICS number identifying the specific transaction. In the case of Colorado, no NICS number or state ID number is generated by our website application until the check is removed from the queue. Therefore CBI InstaCheck has adopted a process of not allowing FFL's to proceed with firearm transfer until the background check is received by an examiner.

Karl Wilmes
Deputy Director
Colorado Bureau of Investigation
690 Kipling Street
Denver, Colorado 80215

303.239.4202

Begin forwarded message:

From: "James Winchester" <jww@viawest.net>

Date: January 18, 2013, 7:38:47 PM MST

To: <RobertD.Brown@state.co.us>

Cc: "Carey, Daniel" <DCarey@nrahq.org>, "Young - GovOffice, Douglas" <douglas.young@state.co.us>, <Deke44@aol.com>, <steveschreiner@netzero.com>

Subject: 3 Business day rule

Dear Mr. Brown:

I am a retired Colorado attorney who was an officer of the Colorado State Shooting Assn., the state NRA affiliate, when Insta-check was passed. I was active, as were others, in the framework that exists today. Mr. Carey is NRA staff assigned to Colorado.

I feel for the problems CBI is having, but not as much as I feel for those whose purchases have been delayed far beyond anything conceived of over ten years ago. I, myself, am currently caught up in the indefinite queue. It is clear, as I wrote the Governor's office yesterday, that we are in a prolonged "delayed" status on all "insta checks," a term which has become a travesty over the years. I understand the legislature has declined to provide supplemental funding. I am not sure yet whether

funding is the true solution long term. To the best of my knowledge, Insta check has not had a comprehensive evaluation since its creation as to both efficiency and cost benefit ratio. I am hopeful that this will happen this year due to systemic problems that are never resolved.

I discussed the situation with my dealer today, and he is very fearful that if he proceeds as permitted by Federal law under the three business day exception, he will be harassed by CBI, BATFE, or both.

It appears to me that Colorado is now, and will be for the foreseeable future, subject to the three business day exception which permits transfers without a clearance number from CBI. I believe it is incumbent upon CBI to clarify to the dealers how to proceed now that we have statewide "delayed" status and that they are free to proceed without a clearance number in appropriate, which is to say almost all, background checks.

I am quite interested to hear the official CBI position, which will have a wide readership, to be sure.

Sincerely,

Jim Winchester